

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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JUNEAB HASHMI,

ORDER

Plaintiff,

14-CV-4814 (KAM)

-against-

SAUDIA AIR LINE,

Defendant.

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MATSUMOTO, United States District Judge:

On or about July 18, 2014, plaintiff Juneab Hashmi commenced this case in the Civil Court of the City of New York, Kings County, against Saudi Arabian Airlines ("defendant"), incorrectly sued as "Saudia Air Line," in connection with defendant's alleged loss of plaintiff's luggage. (See generally, ECF No. 1, Notice of Removal dated 8/13/14, Ex. A.) On August 13, 2014, defendant removed the case to federal court, asserting that defendant is a "foreign state" under 28 U.S.C. § 1603 and entitled to removal pursuant to 28 U.S.C. § 1441(d). (Notice of Removal at 1.) In addition, following removal, defendant answered plaintiff's endorsed complaint and asserted affirmative defenses pursuant to, *inter alia*, the Foreign Sovereign Immunities Act of 1976, 28 U.S.C. § 1602, *et seq.*, and the Montreal Convention for the Unification of Certain Rules for

International Transportation by Air. (See generally ECF No. 4, Answer dated 8/18/14.)

Presently before the court is plaintiff's motion to remand the instant case to New York City Civil Court. Plaintiff argues that his disability prevents him from traveling to the federal courthouse. (See ECF No. 5, Notice of Motion dated 8/18/14.) Defendant opposes the remand, citing its absolute right to remove any state court action against it under 28 U.S.C. § 1441(d) and the lack of authority supporting plaintiff's claim for remand. (ECF No. 8, Memorandum of Points and Authorities of Defendant in Opposition to Plaintiff's Motion to Remand dated 8/29/14.)

Because defendant is an "agency or instrumentality of a foreign state," it is entitled to remove this case to federal court. See 28 U.S.C. § 1603(b); 28 U.S.C. § 1441(d); see also *Seramur v. Saudi Arabian Airlines*, 934 F. Supp. 48, 49-51 (E.D.N.Y. 1996). Accordingly, the court denies plaintiff's motion to remand the case to New York City Civil Court. Counsel for defendant is requested to serve a copy of this order on plaintiff and note service on the docket.

SO ORDERED.

Dated: Brooklyn, New York
August 29, 2014

_____/s/_____
KIYO A. MATSUMOTO
United States District Judge